

district court a libel praying seizure and condemnation of 26 cans of salad oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce, on or about December 18, 1933, by the Agash Refining Corporation, from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Extra Fine Oil San Gennaro Brand Contains Virgin Olive Oil Fifteen Per Cent. Other Vegetable Oils Eighty Five Per Cent. With Harmless Color & Flavor. Perfected by the packers of Agash Olive Oil One Gallon. \* \* \* Agash Refining Corp. Brooklyn, N. Y.", the words "Agash Olive Oil" being prominent.

The article was alleged to be misbranded in that the statements, "Extra Fine Oil", "Olio Extra Fino", and "The Olive Oil contained in this can is pressed from fresh picked fruit", together with the prominent statement "Agash Olive Oil", were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was olive oil; whereas it consisted chiefly of domestic cottonseed oil, and the said statements were not corrected by the inconspicuous reference in script to the presence of 85 percent of other vegetable oil. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On September 11, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23063. Misbranding of salad oil. U. S. v. 12 Cans of Salad Oil. Consent decree of condemnation. Product delivered to charitable institutions. (F. & D. no. 33180. Sample no. 6600-B.)**

This case involved a product that was labeled to convey the impression that it was olive oil, but which consisted of domestic cottonseed oil and olive oil. Sample cans taken from the lot were found to contain less than 1 gallon, the volume declared on the label.

On or about August 10, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cans of salad oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce, on or about May 21, 1934, by the Uddo Taormina Corporation, from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Gallon Extra Fine Oil Mariuccia Brand Pure Olive Oil Twenty Per Cent Best Quality of Vegetable Oil Eighty Per Cent \* \* \* Superfine Olive \* \* \* Oil [similar statements in Italian]."

The article was alleged to be misbranded in that the statements on the label, "Pure Olive Oil", "Puro Olio D'Oliiva", "Extra Fine Oil", and "Olio Extra Fino", and the design of an olive branch on the label, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the product was olive oil, whereas it consisted of domestic cottonseed oil and olive oil. Misbranding was alleged for the further reason that the statement "One Gallon", on the label, was false and misleading and tended to deceive and mislead the purchaser; for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect; and for the further reason that it was offered for sale under the distinctive name of another article.

On August 29, 1934, no claim having been entered for the property, judgment of condemnation was entered and it was ordered that the product be delivered to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23064. Adulteration of crab meat. U. S. v. 2 Barrels, et al., of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 33183, 33196, 33200. Sample nos. 4821-B, 4836-B, 4844-B.)**

These cases involved interstate shipments of crab meat which was found to contain filth.

On July 18, July 26, and August 1, 1934, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 7 barrels and 1 box of crab meat at Baltimore, Md., alleging that the article had been shipped

in interstate commerce on or about July 16, July 23, and July 28, 1934, by the New Bern Seafood Co. (one shipment in the name of L. B. Travis), from New Bern, N. C., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 24, September 1, and September 7, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23065. Adulteration of butter. U. S. v. 1 Can of Butter. Default decree of condemnation and destruction.** (F. & D. no. 33192. Sample no. 62371-A.)

A sample of butter taken from the shipment involved in this case was found to contain parts of insects, animal hair, mold, pieces of fiber, and miscellaneous debris.

On July 2, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can of butter at Middletown, Md., alleging that the article had been shipped in interstate commerce on or about June 28, 1934, by Smith Bros. from North Garden, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From Smith Bros. \* \* \* North Garden, Va."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 7, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23066. Adulteration of butter. U. S. v. 1 Can of Butter. Default decree of condemnation and destruction.** (F. & D. no. 33193. Sample no. 62370-A.)

A sample of butter taken from the shipment involved in this case was found to contain insects, parts of insects, animal hair, maggots, mold, and nondescript debris.

On July 2, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can of butter at Middletown, Md., alleging that the article had been shipped in interstate commerce on or about June 28, 1934, by J. M. Fray & Co., from Barboursville, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From J. M. Fray & Company \* \* \* Advance Mills, Virginia."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 6, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23067. Adulteration of butter. U. S. v. 1 Can and 1 Tub of Butter. Default decree of condemnation and destruction.** (F. & D. no. 33194. Sample no. 4707-B.)

A sample of butter taken from the shipment involved in this case was found to contain rodent hairs, human hairs, parts of insects, a maggot, mold, paper, and nondescript debris.

On July 17, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can and one tub of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 17, 1934, by Yost Bros., from Barrackville, W. Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Yost Bros. \* \* \* From Barrackville, W. Va."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 7, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*